

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Michael Hitt, #188788)	C.A. No. 2:04-21999
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Amy Enloe, Head Nurse-Technician at)	
Perry Correctional Institution; and)	
Stephen Claytor, Associate Warden of)	
Perry Correctional Institution,)	
)	
Defendants.)	
)	

This action, seeking relief pursuant to Title 42, United States Code, Section 1983, was filed by *pro se* Plaintiff Michael Hitt (“Hitt”) on August 30, 2004. (Doc. #1). On April 4, 2005, Magistrate Judge Robert S. Carr, to whom this matter had been previously assigned, granted Hitt’s motion for appointment of counsel. (Doc. #41). Defendants Amy Enloe, Head Nurse-Technician at Perry Correctional Institution, and Stephen Claytor, Associate Warden of Perry Correctional Institution, (“Defendants”) filed the pending motion for summary judgment on June 2, 2006. (Doc. #51). Hitt responded to the motion on June 20, 2006. (Doc. #54). On June 27, 2006, Defendants filed their reply. (Doc. #56). On August 30, 2006, the magistrate judge issued a Report and Recommendation (“the Report”) in this case. (Doc. #57). In the Report, the magistrate judge recommended “that the defendants’ motion be granted, that the court decline to exercise jurisdiction over any state claims and that any other pending motions be deemed moot.” *Id.* On September 19, 2006, Hitt filed objections to the Report. (Doc. #58). Defendants filed a reply to Hitt’s objections

on September 27, 2006. (Doc. #59). This matter is now before the Court for review of the Report issued by the magistrate judge.

In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections. . . . The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F.Supp. 137, 138 (D.S.C. 1992) (citations omitted). In light of this standard, the Court has carefully reviewed the Report, the objections thereto, and the relevant memoranda, case law, and exhibits filed in this matter. The Court elects to accept the Report.

Therefore, for the reasons articulated by the magistrate judge, it is hereby **ORDERED** that the Report and Recommendation is **ACCEPTED** in its entirety. (Doc. #57). Accordingly, Defendants' pending motion for summary judgment is **GRANTED**. (Doc. #51). In light of this Order, this action is dismissed.

IT IS SO ORDERED.

S/ Terry L. Wooten

Terry L. Wooten
United States District Judge

March 21, 2007
Florence, South Carolina